

MONDAY, APRIL 9, 2001

TWENTY-FIFTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Ronnie L. Boling, Brentwood, Tennessee.

Representative Williams led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Arriola; business reasons.

Representative Mumpower; personal reasons.

Representative Tindell; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 129:** Rep(s). Rhinehart as prime sponsor(s).

**House Bill No. 287:** Rep(s). Pleasant as prime sponsor(s).

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**House Bill No. 294:** Rep(s). Maddox and Turner (Hamilton) as prime sponsor(s).

**House Bill No. 574:** Rep(s). Buttry, Boyer, Walker, Lewis, Cole (Dyer), McDaniel, Pleasant, Baird, Turner (Hamilton), Givens, Davis (Cocke) and Whitson as prime sponsor(s).

**House Bill No. 704:** Rep(s). Turner (Hamilton) as prime sponsor(s).

**House Bill No. 1543:** Rep(s). Walker, Boyer, Ferguson, Montgomery and Buttry as prime sponsor(s).

**MESSAGE FROM THE GOVERNOR  
April 6, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 139, 140, 141, 142, 143 and 174, with his approval.

JAY BALLARD, Counsel to the Governor.

**REPORT OF CHIEF ENGROSSING CLERK  
April 6, 2001**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 213, 1949, 1958, 1973, 1974, 1975 and 1977; also, House Joint Resolution(s) No(s). 159, 160, 161, 163, 164, 165, 166, 167, 168, 169, 170, 175, 185 and 191.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 9, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 263; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 263** -- Civil Procedure - Removes provisions stating woman's action in court of law or equity does not abate by her marriage and that woman's husband may become party plaintiff by motion. Amends TCA Section 20-5-118 and Section 20-5-119. by \*Harper. (HB783 by \*Briley)

**MESSAGE FROM THE SENATE  
April 9, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 161; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 161** -- Memorials, Personal Occasion - Ralph and Irene Overholt, 65th wedding anniversary. by \*Burchett.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**House Joint Resolution No. 203** -- Naming and Designating - Rockabilly Music Month, June 2001. by \*Kisber.

House Calendar and Rules Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 11, 2001:

**House Resolution No. 51** -- Memorials, Professional Achievement - Teresa Scoggins, Reading Renaissance Model Classroom Level I Certification. by \*Bunch, \*Newton.

**House Resolution No. 52** -- Memorials, Personal Occasion - Mona Kay Vaughan, 50th birthday. by \*Hood, \*Rowland, \*Beavers.

**House Joint Resolution No. 204** -- Naming and Designating - "World's Biggest Fish Fry Week," April 23-28, 2001. by \*Ridgeway.

**House Joint Resolution No. 205** -- Memorials, Sports - Shamel Jones, University of Memphis basketball player. by \*Hargett.

**House Joint Resolution No. 206** -- Memorials, Sports - Shannon Foreman, University of Memphis basketball player. by \*Hargett.

**House Joint Resolution No. 207** -- Memorials, Sports - Shyrone Chatman, University of Memphis basketball player. by \*Hargett.

**House Joint Resolution No. 208** -- Memorials, Sports - Marcus Moody, University of Memphis basketball player. by \*Hargett.

**House Joint Resolution No. 211** -- Memorials, Academic Achievement - Angela Kidd, Valedictorian, Jellico High School. by \*Baird.

**House Joint Resolution No. 212** -- Memorials, Academic Achievement - Roxanna Chitwood, Salutatorian, Jellico High School. by \*Baird.

**House Joint Resolution No. 213** -- Memorials, Academic Achievement - Kerri Zelenik, Valedictorian, Riverdale High School. by \*Beavers, \*Rowland, \*Hood.

**House Joint Resolution No. 214** -- Memorials, Academic Achievement - Meg Sniderman, Valedictorian, Riverdale High School. by \*Beavers, \*Rowland, \*Hood.

**House Joint Resolution No. 215** -- Memorials, Academic Achievement - Marc Andrew Cameron, Salutatorian, Riverdale High School. by \*Beavers, \*Rowland, \*Hood.

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**House Joint Resolution No. 216** -- Memorials, Academic Achievement - Chisato Fujitomi, Valedictorian, Riverdale High School. by \*Beavers, \*Rowland, \*Hood.

**House Joint Resolution No. 217** -- Memorials, Academic Achievement - David Kopchak, Valedictorian, Riverdale High School. by \*Beavers, \*Rowland, \*Hood.

**House Joint Resolution No. 218** -- Memorials, Personal Achievement - Justin Edward Marlow, Eagle Scout. by \*Beavers, \*Rowland, \*Hood.

**House Joint Resolution No. 219** -- Memorials, Personal Achievement - Daniel Peter Baltz, Jr., Eagle Scout. by \*Beavers, \*Rowland, \*Hood.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 11, 2001:

**Senate Joint Resolution No. 161** -- Memorials, Personal Occasion - Ralph and Irene Overholt, 65th wedding anniversary. by \*Burchett.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1990** -- Madison County - Subject to local approval, includes highway funds within uniform chart of accounts and budgeting of county funds. Amends Chapter 163 of the Private Acts of 1986, as amended. by \*Kisber, \*Shaw.

**DELAYED BILLS REFERRED**

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 1993, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 1993** -- Education - Allows accumulated or allocated "snow days" to be applied toward closings due to outbreaks of illness or epidemics. Amends TCA Section 49-6-3004. by \*Hagood, \*McDaniel. (SB1959 by \*Burchett, \*McNally, \*Burks, \*Blackburn, \*Davis L, \*Williams)

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**Senate Bill No. 508** -- Barbers - Revises certain provisions for barbers. Amends TCA Title 62, Chapter 3, Part 1. by \*Haun. (\*HB212 by \*Ford S)

**\*Senate Bill No. 1196** -- Massage - Revises license requirements for massage therapists to accept competency examinations approved by massage licensure board; deletes grandfather licensure provisions. Amends TCA Title 63, Chapter 18, Part 2. by \*Cooper J. (HB1796 by \*Arriola)

**Senate Bill No. 1639** -- Commerce and Insurance, Dept. of - Authorizes commissioner or designee to suspend, revoke, or refuse to renew license of health club; allows commissioner or designee to assess civil penalty up to \$1000 for violations by health club; grants to commissioner authority to promulgate rules and regulations upon health clubs. Amends TCA Title 47, Chapter 18, Part 3. by \*Burchett, \*Clabough. (\*HB1362 by \*Walker, \*Ford S)

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1989** -- Collierville -- Local Bill Held on House Desk

**CONSENT CALENDAR**

**House Bill No. 1657** -- Capitol - Requires submission to capitol commission of plan to close streets in conjunction with events at capitol, legislative plaza, or war memorial building. Amends TCA Title 4, Chapter 8, Part 3. by \*Davidson. (\*SB1197 by \*Cooper J)

**House Bill No. 1823** -- Comptroller, State - Requires office of comptroller to provide staff to commission on compensation. Amends TCA Section 8-23-208. by \*Miller L. (\*SB1226 by \*Cooper J)

**House Bill No. 574** -- Motor Vehicles, Titling and Registration - Allows veterans with permanent partial disability greater than 20 percent but less than 100 percent to purchase "Disabled Veterans" memorial license plates upon payment of regular fee. Amends TCA Title 55, Chapter 4. by \*Bunch, \*Hagood, \*West. (\*SB874 by \*Burchett, \*Crowe, \*Atchley)

**House Bill No. 1469** -- Health Care - Deletes requirement that certified midwives order pre-birth laboratory analysis. Amends TCA Section 63-29-115. by \*Hargett. (\*SB1432 by \*Person)

**House Bill No. 1979** -- Carter County - Subject to local approval, creates and establishes Watauga River Regional Water Authority. by \*Cole (Carter). (SB1940 by \*Crowe)

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**House Bill No. 1982** -- Greenfield - Subject to local approval, revises process for election of mayor and certain aldermen. Amends Chapter 203 of the Private Acts of 1992. by \*Maddox. (SB1943 by \*Herron)

**House Bill No. 1983** -- Bruceton - Subject to local approval, prohibits employees of town from serving as mayor or as alderman of town but not from being elected to other public offices. Amends Chapter 325 of the Private Acts of 1980. by \*Maddox. (SB1944 by \*Carter)

**House Bill No. 1984** -- Selmer - Subject to local approval, rewrites town charter. Amends Chapter 389 of the Acts of 1901; as amended. by \*Rinks.

**House Bill No. 1986** -- Friendsville - Subject to local approval, revises procedures for passage and recordation of ordinances of City of Friendsville. Amends Chapter 555 of the Private Acts of 1953. by \*Overbey, \*McCord.

**\*House Bill No. 190** -- Radio and Television - Authorizes certain municipalities operating electric plant to provide cable service within county in which municipality is located under certain circumstances. Amends TCA Section 7-52-601. by \*Rinks, \*Naifeh. (SB977 by \*Kyle)

**\*House Bill No. 258** -- Funeral Directors and Embalmers - Requires proposed continuing education courses be submitted to board 60 days in advance; authorizes amendments to courses to be submitted 30 days in advance; requires board to give its approval or nonapproval of courses 30 days before event; requires board to give its approval or nonapproval of amendment to course 10 days before event. Amends TCA Section 62-5-605. by \*Garrett. (SB520 by \*Henry)

**House Bill No. 783** -- Civil Procedure - Removes provisions stating woman's action in court of law or equity does not abate by her marriage and that woman's husband may become party plaintiff by motion. Amends TCA Section 20-5-118 and Section 20-5-119. by \*Briley. (\*SB263 by \*Harper)

On motion, House Bill No. 783 was made to conform with **Senate Bill No. 263**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 464** -- Metropolitan Government - Authorizes creation of special services district and imposition of ad valorem tax for purposes of public education when urban services district lies within two or more counties. Amends TCA Title 7, Chapter 2. by \*Lewis. (SB1066 by \*Burks)

**\*House Bill No. 1358** -- Banks and Financial Institutions - Exempts banks from state requirement to register as broker-dealer to extent bank's activities are excepted under either definition of "broker" or "dealer" under federal law. - TCA Title 48, Chapter 2, Part 1. by \*Lewis. (SB1635 by \*Cooper J)

On motion, House Bill No. 1358 was made to conform with **Senate Bill No. 1635**; the Senate Bill was substituted for the House Bill.

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**House Bill No. 751** -- School Transportation - Requires school bus to stop at all railroad grade crossings whether or not carrying school child instead of only when carrying school child. Amends TCA Section 55-8-147. by \*Davis (Washington). (\*SB486 by \*Haun)

On motion, House Bill No. 751 was made to conform with **Senate Bill No. 486**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 465** -- Local Education Agency - Authorizes counties with metropolitan governments in which principal city is not county seat to adopt consolidation plan for school systems with approval of governing body of metropolitan government and approval by all affected school boards. Amends TCA Title 49, Chapter 2. by \*Lewis. (SB1064 by \*Burks)

**House Resolution No. 42** -- Memorials, Recognition - Edward Dixon, Speaker, 2001 Cooper-Jones Economic and Education Martin Luther King Commemorative Summit in Memphis. by \*Cooper B, \*Jones U (Shelby), \*Brooks.

**House Resolution No. 43** -- Memorials, Recognition - Sir Arlington G. Butler, Speaker, 2001 Cooper-Jones Economic and Education Martin Luther King Commemorative Summit in Memphis. by \*Cooper B, \*Jones U (Shelby), \*Brooks.

**House Resolution No. 44** -- Memorials, Recognition - Rev. Anthony D. Henderson. by \*Brooks, \*Cooper B.

**House Resolution No. 45** -- Memorials, Recognition - Harlington L. Hanna, Jr., Speaker, 2001 Cooper-Jones Economic and Education Martin Luther King Commemorative Summit in Memphis. by \*Cooper B.

**House Resolution No. 46** -- Memorials, Recognition - Toni R. Greer, Speaker, 2001 Cooper-Jones Economic & Education Martin Luther King Commemorative Summit in Memphis. by \*Cooper B.

**House Resolution No. 47** -- Memorials, Recognition - Clifford Black, educator and motivational speaker. by \*Jones U (Shelby), \*Cooper B.

**House Resolution No. 48** -- Memorials, Personal Achievement - Leann Smalley. by \*Bunch.

**House Resolution No. 50** -- Memorials, Personal Occasion - Mr. and Mrs. James Stewart, fiftieth wedding anniversary. by \*Patton.

**House Joint Resolution No. 197** -- Memorials, Retirement - James B. Boyd. by \*Sands.

**House Joint Resolution No. 198** -- Memorials, Death - Howard Loveday. by \*McCord, \*Overbey.

**House Joint Resolution No. 199** -- Memorials, Recognition - Coleman Smith. by \*Rinks.

**House Joint Resolution No. 200** -- Memorials, Academic Achievement - Tamara Ward, Salutatorian, Stony Fork High School. by \*Baird.

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**House Joint Resolution No. 201** -- Memorials, Academic Achievement - Louis David Carroll, Valedictorian, Stony Fork High School. by \*Baird.

**House Joint Resolution No. 202** -- Memorials, Retirement - Miss Virginia J. Ballard. by \*Bittle.

**Senate Joint Resolution No. 79** -- General Assembly, Confirmation of Appointment - William Cox, Wildlife Resources Commission. by \*Norris.

**Senate Joint Resolution No. 131** -- Naming and Designating - "National Crime Victims' Rights Week," April 22-28, 2001. by \*Burks, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**\*Senate Joint Resolution No. 141** -- Highway Signs - "Bill France Boulevard," S.R. 452 in Wilson County. by \*Rochelle, \*Williams.

**Senate Joint Resolution No. 160** -- Memorials, Recognition - Dover Downs Entertainment, Inc. by \*Rochelle, \*Trail.

**Senate Joint Resolution No. 142** -- Memorials, Public Service - Dan and Frances Marcum, contributions to City of Tullahoma and Motlow State Community College. by \*Cooper J, \*Trail.

**Senate Joint Resolution No. 143** -- Memorials, Personal Occasion - Veronica Victoria Green, birth. by \*Rochelle.

**Senate Joint Resolution No. 144** -- Memorials, Professional Achievement - Neal Ozeki, President of DENSO Manufacturing Tennessee, Inc. by \*Clabough, \*Elsea.

**Senate Joint Resolution No. 145** -- Memorials, Sports - Jackson County High School girls' basketball team, 2000-2001 TSSAA Class AA state champion. by \*Burks.

**Senate Joint Resolution No. 146** -- Memorials, Sports - Tennessee Technological University, OVC Men's and Women's Basketball Champions. by \*Burks, \*Kyle, \*Davis L.

**Senate Joint Resolution No. 147** -- Memorials, Public Service - Bill C. Houston, Commissioner of Financial Institutions. by \*Cooper J, \*Henry, \*Dixon, \*McNally.

**Senate Joint Resolution No. 150** -- Memorials, Recognition - Steve Nelson and WETB-AM. by \*Crowe.

Rep. Bunch moved that all members voting aye on House Bill No. 574 be added as sponsors, which motion was immediately withdrawn.



**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 1657:** by Rep. Davidson

**House Bill No. 1469:** by Rep. Bowers

**House Bill No. 1983:** by Rep. Maddox

Under the rules, House Bill(s) No(s). 1657, 1469 and 1983 was/were placed at the foot of the calendar for April 11, 2001.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 1532** -- Comptroller, State - Authorizes comptroller to provide services to local governments and charge for such services. by \*Kisber. (\*SB1332 by \*Henry)

On motion, House Bill No. 1532 was made to conform with **Senate Bill No. 1332**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 1332 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

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Rep. Kisber moved that **Senate Bill No. 1332** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....91  
Noes .....0

Representatives voting aye were: Armstrong, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

**\*House Bill No. 804** -- Courts, Juvenile - Creates exceptions to exclusive jurisdiction of juvenile court where case has been concluded and removed from active caseload, where case has been transferred to another juvenile, circuit or chancery court or where adoption petition filed. Amends TCA Title 36 and Title 37, Chapter 1, Part 1. by \*Davidson, \*Bunch. (SB1316 by \*Graves)

Rep. Davidson moved that House Bill No. 804 be passed on third and final consideration.

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 804 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-103(c), is amended by adding the following language after the words "shall continue until" and before the words "a person":

the case has been dismissed, or until the custody determination is transferred to another juvenile, circuit, chancery or general sessions court exercising domestic relations jurisdiction, or until a petition for adoption is filed regarding the child in question as set out in § 36-1-116(f). However, the juvenile court shall retain jurisdiction to the extent needed to complete any reviews or permanency hearings for children in foster care as may be mandated by federal or state law. This provision does not establish concurrent jurisdiction for any other court to hear juvenile cases, but merely permits courts exercising domestic relations jurisdiction to make custody determinations in accordance with this part. Notwithstanding any other law to the contrary, transfers under this provision shall be at the sole discretion of the juvenile court and in accordance with § 37-1-112. In all other cases, jurisdiction shall continue until

SECTION 2. Tennessee Code Annotated, Section 37-1-112, is amended by deleting the word "juvenile" from the section heading.

SECTION 3. Tennessee Code Annotated, Section 37-1-112, is amended by adding the following language as a new subsection (b) and by redesignating the existing subsections appropriately:

(b) If a juvenile court proceeding is commenced under this part and a proceeding involving the child's custody is also commenced or pending in the circuit, chancery or general sessions court exercising domestic relations jurisdiction, the juvenile court, on motion of a party or on its own motion after an adjudication making specific findings of fact pursuant to § 37-1-129(a)(2) and after ordering any essential services for the child and family, may transfer the custody proceeding to the court where the pending matter has been commenced. Like transfer may be made if the residence of the child changes during the pendency of the juvenile court proceedings. The transfer shall only occur upon a finding of fact by the transferring court that the transfer will be in the best interest of the child, will promote judicial economy, will provide a more reasonable or convenient forum, or for other good cause. The transferring court may communicate with the receiving court concerning the transfer of the case. The transfer of the custody proceeding to another court exercising domestic relations jurisdiction (except to another juvenile court) shall not occur if the case involves allegations of dependency, neglect or abuse and the child is in the custody of the Department of Children's Services.

SECTION 4. This act shall apply to any case pending or filed on or after the effective date. Any custody order which has been entered by a court exercising domestic relations jurisdiction and which is not the subject of or eligible for appeal on the effective date of this act shall be valid and is hereby declared to be in full compliance with the laws of this state.

SECTION 5. This act shall take effect on July 1, 2001, the public welfare requiring it.

On motion, Children and Family Affairs Committee Amendment No. 1 was adopted.

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Rep. Davidson moved that **House Bill No. 804**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Turner (Hamilton) -- 1.

A motion to reconsider was tabled.

**House Bill No. 1573** -- Insurance Companies, Agents, Brokers, Policies - Defines "limited credit life and credit accident and health reinsurer" and establishes regulatory system for such companies. Amends TCA Title 56, Chapters 2 and 11. by \*Rinks, \*Walker. (\*SB580 by \*Atchley)

Rep. Rinks moved that **House Bill No. 1573** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

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**House Bill No. 1588** -- Tobacco, Tobacco Products - Prohibits smoking in nursing home facilities to same extent as prohibited for all other health care facilities. Amends TCA Section 39-17-1604. by \*Rinks. (\*SB351 by \*Cooper J)

Rep. Rinks moved that House Bill No. 1588 be passed on third and final consideration.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1588 by deleting Section 1 of the introduced bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1604(4), is amended by deleting the words "excluding nursing home facilities" and by substituting instead the words "including nursing home facilities, but only to the extent permitted by federal law and regulations".

On motion, Agriculture Committee Amendment No. 1 was adopted.

Rep. Rinks moved that **House Bill No. 1588**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1592** -- Biocides and Herbicides - Redefines certain terms and revises penalty classifications for violations of Tennessee Application of Pesticides Act of 1978. Amends TCA Title 62, Chapter 21, Part 1. by \*Rinks. (\*SB1586 by \*Kurita)

Rep. Rinks moved that House Bill No. 1592 be reset for the Regular Calendar on April 11, 2001, which motion prevailed.

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**\*House Bill No. 294** -- Funeral Directors and Embalmers - Authorizes examination for funeral directors to be given more than twice per year; extends registration from one year to two years; deletes requirement that all members of funeral board sign funeral director's license. Amends TCA Title 62, Chapter 5. by \*Garrett. (SB517 by \*Henry)

Rep. Garrett moved that **House Bill No. 294** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1306** -- Insurance Companies, Agents, Brokers, Policies - Includes guaranteed investment contracts and funding agreements under definitions of "annuities" and "unallocated annuity contracts" for certain purposes. Amends TCA Section 56-9-330. by \*Fowlkes. (\*SB1498 by \*Rochelle)

Rep. Fowlkes moved that House Bill No. 1306 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1306 by deleting Sections 1 and 2 of the printed bill and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 56-9-330(a)(2), is amended by deleting the words "annuity policies" in the second sentence and by substituting the following:

policies and annuities, which, for purposes of this section only, shall include guaranteed investment contracts and funding agreements

SECTION 2. Tennessee Code Annotated, Section 56-12-204(b)(2)(G), is amended by deleting the words "Any unallocated annuity contract" and substituting the following:

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Any unallocated annuity contract, including, for purposes of this section only, guaranteed investment contracts and funding agreements,

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Fowlkes moved that **House Bill No. 1306**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 704** -- Education - Adds vision screening to requirements for admission to public school, nursery school, kindergarten, preschool and child care; encourages parents to also obtain child's vision screening within six months of third grade. Amends TCA Title 49, Chapter 6, Part 50, by \*Cooper B, \*Towns, \*Jones U (Shelby), \*Armstrong, \*DeBerry L, \*Shaw, \*Turner (Shelby), \*Bowers, \*Brooks, \*Chumney, \*Garrett, \*Pruitt, \*Jones, S., \*Miller L, \*McDonald, \*Langster, \*Patton. (\*SB304 by \*Dixon, \*Crowe, \*Herron, \*Burks)

On motion, House Bill No. 704 was made to conform with **Senate Bill No. 304**; the Senate Bill was substituted for the House Bill.

Rep. Cooper moved that Senate Bill No. 304 be passed on third and final consideration.

Rep. Winningham moved adoption of Education Committee Amendment No. 3 as House Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 304 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 50, is amended by adding the following as a new section:

Section 49-6-5004. (a) Upon registration or as early as is otherwise possible and appropriate, public schools, nursery schools, kindergartens, preschools or child care facilities are encouraged to make reasonable efforts to apprise parents of the health benefits of obtaining appropriate eye and dental care for children.

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.

On motion, Education Committee Amendment No. 3 as House Amendment No. 1 was adopted.

Rep. Cooper moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 304 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 50, is amended by adding the following as a new section:

Section 49-6-5004. (a) Upon registration or as early as is otherwise possible and appropriate, public schools, nursery schools, kindergartens, preschools or child care facilities are encouraged to make reasonable efforts to apprise parents of the health benefits of obtaining a vision screening and a dental screening for children.

(b) A health care professional is authorized to indicate the need for a vision screening or a dental screening on any report or form used in relationship to reporting immunization status for a child as required under this part. Public schools, nursery schools, kindergartens, preschools or child care facilities receiving such forms or reports are authorized to encourage parents to seek appropriate vision screenings and dental screenings for their children.

(c) Vision screening, for purposes of this section, is a screening procedure recommended by a nationally recognized professional medical or health care organization, such as the American Academy of Pediatrics, the American Academy of Ophthalmology or the American Optometric Association, that is approved by the commissioner of health and performed by a person authorized to conduct such screenings under the provisions of Title 63 as part of the federal early periodic, screening, diagnosis and treatment program.

(d) Dental screening, for purposes of this section, is a screening procedure recommended by a nationally recognized professional medical or dental care organization, such as the American Dental Association, that is approved by the commissioner of health and performed by a person authorized to conduct such screenings under the provisions of Title 63, Chapter 5.



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SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.

Rep. Winningham moved that Senate Bill No. 304 be reset for the Regular Calendar on April 16, 2001, which motion prevailed.

**House Bill No. 789** -- Judgments - Clarifies that judgment lien created by registration lasts for time remaining in 10-year period from date of judgment entry at county clerk's office. Amends TCA Title 25, Chapter 5, Part 1. by \*Briley. (\*SB1033 by \*Ramsey)

Rep. Briley moved that House Bill No. 789 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 789 by deleting subsection (b) of Section 1 of the printed bill and by substituting instead the following:

(b) The provisions of this section apply to all judgment liens registered on or after May 17, 2000, but in no event shall any judgment lien which had expired on or before May 17, 2000, be deemed to be revived by such registration.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Briley moved that **House Bill No. 789**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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**\*House Bill No. 1543** -- Firearms and Ammunition - Expands circumstances under which correctional officer may carry firearms. Amends TCA Title 39, Chapter 17, Part 13, by \*Windle. (SB1747 by \*Davis L)

Rep. Windle moved that House Bill No. 1543 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1543 by inserting in Section 1 the language "vested" before the language "correctional" and after the language "or a".

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Windle moved that **House Bill No. 1543**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 129** -- Fireworks - Conforms present designation of Class C and Class B fireworks to current U. S. Department of Transportation designation as Fireworks 1.4G and 1.3G, accordingly. Amends TCA Title 67 and Title 68, Chapter 104, by \*Lewis, \*Hagood, \*Wood, \*Curtiss, \*Ferguson. (SB137 by \*Cooper J)

On motion, House Bill No. 129 was made to conform with **Senate Bill No. 137**; the Senate Bill was substituted for the House Bill.

Rep. Lewis moved that Senate Bill No. 137 be reset for the Regular Calendar on April 11, 2001, which motion prevailed.

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**\*House Bill No. 463** -- Metropolitan Government - Authorizes urban services district to be total area of city that is county seat even if such city is not principal city in county and such other area, including principal city, as may be recommended by commission. Amends TCA Title 7, Chapter 2, Part 1. by \*Lewis. (SB1065 by \*Burks)

Rep. Lewis moved that House Bill No. 463 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 463 By adding the following language at the end of the amendatory language of Section 1:

This subdivision shall be and remain effective for any county which has not adopted a metropolitan form of government on the effective date of this act but which is in the process of creating a charter commission to create a metropolitan government if such county adopts such form of government by September 1, 2001. If a metropolitan government is not adopted in such county by September 1, 2001, then the provisions of this act shall cease to be effective on such date.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Lewis moved that **House Bill No. 463**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	1
Present and not voting .....	2

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Vincent -- 1.

Representatives present and not voting were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

**MONDAY, APRIL 9, 2001 – TWENTY-FIFTH LEGISLATIVE DAY**

**House Bill No. 1207** -- Alcoholic Beverages - Authorizes Nashville Superspeedway to serve alcoholic beverages for consumption on premises. Amends TCA Title 57, Chapter 4. by \*Bone. (\*SB1477 by \*Rochelle)

On motion, House Bill No. 1207 was made to conform with **Senate Bill No. 1477**; the Senate Bill was substituted for the House Bill.

Rep. Bone moved that Senate Bill No. 1477 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Bone moved that **Senate Bill No. 1477**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	78
Noes .....	15

Representatives voting aye were: Armstrong, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry L, Fitzhugh, Fowkes, Fraley, Garrett, Givens, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Baird, Davis (Washington), DeBerry J, Dunn, Ferguson, Ford, Goins, Hood, Maddox, McDonald, Pinion, Roach, Sharp, Windle, Wood -- 15.

A motion to reconsider was tabled.

**House Bill No. 1161** -- Alcoholic Beverages - Defines "theater" for authorization of sale and consumption of alcoholic beverages; authorizes sale and consumption of alcoholic beverages at Premier Theater Bistro in Memphis. Amends TCA Title 57, Chapter 4. by \*Jones U (Shelby). (\*SB792 by \*Cohen)

On motion, House Bill No. 1161 was made to conform with **Senate Bill No. 792**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that **Senate Bill No. 792** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	72
Noes .....	19
Present and not voting .....	2

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Representatives voting aye were: Armstrong, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry L., Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Hargett, Hargrove, Harwell, Head, Johnson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, McCord, McKee, McMillan, Miller, Montgomery, Newton, Odum, Overbey, Phelan, Phillips, Pleasant, Pruitt, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 72.

Representatives voting no were: Baird, Beavers, Clem, Davis (Washington), Dunn, Ford, Goins, Hood, Lewis, Maddox, McDaniel, McDonald, Patton, Pinion, Rhinehart, Roach, Sharp, Windle, Wood -- 19.

Representatives present and not voting were: Ferguson, Hagood -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 181** -- Highway Signs - "Frank J. Glankler, Jr. Bridge" on S.R. 57 in Hardeman County. by \*Shaw, \*Naifeh, \*Kisber, \*Chumney. (SB1341 by \*Wilder, \*Cohen, \*Kyle, \*Herron)

On motion, House Bill No. 181 was made to conform with **Senate Bill No. 1341**; the Senate Bill was substituted for the House Bill.

Rep. Shaw moved that Senate Bill No. 1341 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1341 By adding the following new, appropriately designated section immediately preceding the effective date section:

**SECTION \_\_\_\_.**

(1) This act shall become operative only if Hardeman County, Tennessee, either remits the estimated cost of the erection of such signs to the department of transportation within one (1) year of the effective date of this act or manufactures such signs in accordance with the provisions of subdivision (2). Hardeman County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Hardeman County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Hardeman County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

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(2) Hardeman County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Shaw moved that **Senate Bill No. 1341**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**MESSAGE CALENDAR**

**MOTION TO RECONSIDER**

Rep. Montgomery moved to lift from the table the motion to reconsider action in passing Senate Bill No. 1352, which motion prevailed.

**Senate Bill No. 1352** -- State Symbols - Designates Tennessee Aviation Hall of Fame in Sevier County as official state aviation hall of fame. Amends TCA Title 4, Chapter 1, Part 3, by \*Clabough, \*Wilder, \*Cohen, \*Williams. (\*HB287 by \*Montgomery, \*Roach)

Rep. Montgomery moved to reconsider action in passing Senate Bill No. 1352, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment(s) No(s). 1. On motion, Amendment(s) No(s). 1 was withdrawn.

Rep. Montgomery moved that **Senate Bill No. 1352** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	90
Noes .....	0
Present and not voting .....	3

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Representatives voting aye were: Armstrong, Baird, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 90.

Representatives present and not voting were: Fitzhugh, Maddox, Mr. Speaker Naifeh -- 3.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 130** -- Workers' Compensation - Extends termination date from December 31, 2001 to July 1, 2003, of provision to allow employee whose back is injured to be able to choose health care provider from three physicians or surgeons designated by employer or chiropractor designated by employer. Amends Public Chapter 990 of the Public Acts of 2000, by \*Odom, \*Jones, S., \*Turner (Shelby), \*Briley, \*West, \*Armstrong. (SB138 by \*Cooper J, \*Jackson)

**Senate Amendment No. 1**

AMEND House Bill No. 130 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ . Section 2 of Public Chapter 990 of the Public Acts of 2000 is amended by deleting the language "September 1, 2001, on the effect the implementation of this act has had on the workers' compensation pool" and by substituting instead the language "December 15, 2002, on the effect the implementation of this act has had on the workers' compensation plan for state employees".

SECTION \_\_\_\_ . Section 4 of Public Chapter 990 of the Public Acts of 2000 is amended by deleting the language "September 1, 2002, on the effect the implementation of this act has had on the workers' compensation pool" and by substituting instead the language "December 15, 2002, on the effect the implementation of this act has had on the workers' compensation system".

Rep. Odom moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 130**, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	1

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Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Clem -- 1.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**BILLS WITHDRAWN**

On motion of Rep. Patton, **House Bill No. 738** was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

On motion of Rep. Patton, **House Bill No. 862** was recalled from the Government Operations Committee and withdrawn from the House.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 1375:** Rep(s). Scroggs as prime sponsor(s).

**House Bill No. 1442:** Rep(s). Ridgeway as prime sponsor(s).

**ENROLLED BILLS**

**April 9, 2001**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 1981.

BETTY KAY FRANCIS, Chief Engrossing Clerk.



**MONDAY, APRIL 9, 2001 – TWENTY-FIFTH LEGISLATIVE DAY**

**SIGNED  
April 9, 2001**

The Speaker signed the following: House Bill(s) No(s). 1981.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 9, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1981; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK  
April 9, 2001**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 1981.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR  
April 9, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 88, 102, 134, 146, 148, 149, 152, 153, 154, 155, 156 and 157, with his approval.

JAY BALLARD, Counsel to the Governor.

**ENGROSSED BILLS  
April 9, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1979.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 9, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1185 and 1303; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 9, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1979; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 9, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 894; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 9, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 122, 123, 337, 347, 465, 1098, 1404, 1591, 1646, 1658, 1685, 1691 and 1891; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 122** -- Sunset Laws - Board of ground water management, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 11. by \*Harper. (HB945 by \*Kernell, \*Brooks, \*Cooper B)

**\*Senate Bill No. 123** -- Sunset Laws - Solid waste disposal control board, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 211. by \*Harper. (HB965 by \*Kernell, \*Brooks, \*Cooper B)

**\*Senate Bill No. 337** -- Workers' Compensation - Adds language to workers' compensation law that takes medical care, treatment, therapy, or services out of definition of home health services. Amends TCA Title 50, Chapter 6 and Section 68-11-201. by \*Cooper J. (HB853 by \*Cole (Dyer))

**Senate Bill No. 347** -- Human Rights - Specifies civil penalties under THRA relative to print media engaged in discriminatory practices; current remedies not to apply to print media. Amends TCA Title 4, Chapter 21. by \*Cooper J. (\*HB244 by \*Williams (Williamson))

**\*Senate Bill No. 465** -- Regional Authorities and Special Districts - Increases membership of board of directors of Four Lakes Regional Industrial Development Authority by two members, one to be appointed by TVA board directors and other to be appointed by electric cooperative board directors. Amends TCA Section 64-5-203. by \*Rochelle. (HB539 by \*Bone)

**MONDAY, APRIL 9, 2001 – TWENTY-FIFTH LEGISLATIVE DAY**

**\*Senate Bill No. 1098** -- Landlord and Tenant - Allows landlord, under Uniform Residential Landlord Tenant Act, to use security deposit and advance rent to reimburse for monetary losses for breach of rental agreement as well as for damages; deletes requirement landlord wait 30 days before using such monies. Amends TCA Section 66-28-104 and Section 66-28-301. by \*Haynes. (HB810 by \*Arriola)

**\*Senate Bill No. 1404** -- Workers' Compensation - Revises time period for notifying employer for injuries which occur as result of gradual or cumulative events or trauma. Amends TCA Section 50-6-201 and Section 59-6-203. by \*Haynes, \*Dixon. (HB1644 by \*Turner (Shelby), \*Turner (Davidson), \*Jones, S., \*Langster, \*West, \*Newton, \*Briley)

**Senate Bill No. 1591** -- Alcoholic Beverages - Allows Tennessee Farm Winegrowers Association to hold eight wine festivals per year - festival not to exceed 72 hours; allows any Tennessee-licensed winery to transport, sell, and offer complimentary samples of their wine for tasting at festival; restricts complimentary sample size to one ounce per person for each type of wine. Amends TCA Section 57-3-207. by \*Clabough. (\*HB452 by \*Newton)

**Senate Bill No. 1646** -- State Inmates - Allows department of corrections to collect from inmate trust accounts funds necessary to pay unpaid costs and money from incarcerated indigent defendants to reimburse costs paid by state. Amends TCA Title 40, Chapter 25. by \*Norris, \*Atchley. (\*HB1369 by \*Westmoreland, \*McKee)

**Senate Bill No. 1658** -- General Services, Dept. of - Clarifies department's authority to assess civil penalties for traffic or parking violations upon state employee parking lots on and around Capitol Hill. Amends TCA Sections 4-3-1105 and 4-8-203. by \*Miller J, \*Clabough. (\*HB1381 by \*Vincent, \*Ford S)

**Senate Bill No. 1685** -- Traffic Safety - Changes procedure for revocation of driver licenses for certain offenses; creates four Class C misdemeanor offenses regarding commercial vehicles and railroad crossings. - TCA Title 55, Chapters 10, 12 and 50. by \*Haun, \*Atchley. (\*HB1407 by \*Stanley, \*McDaniel)

**Senate Bill No. 1691** -- Highways, Roads and Bridges - Increases speed limit on controlled access highways with four or more lanes from 65 to 70 mph; establishes minimum speed of 55 mph on controlled access highways with four or more lanes. Amends TCA Title 55, Chapter 8. by \*Haun, \*Atchley, \*Cohen, \*Cooper J. (\*HB1413 by \*Buttry, \*Ford S)

**Senate Bill No. 1891** -- Taxes, Tobacco, Tobacco Products - Authorizes commissioner of revenue to compel tobacco distributor or wholesaler to provide information about cigarettes sold in state within 30 days of request; allows license suspension or revocation, civil penalty or other sanction for failure to comply; authorizes commissioner to promulgate appropriate rules. by \*Haun. (\*HB1918 by \*Givens)

**ENGROSSED BILLS**

**April 9, 2001**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 190, 294, 258, 463, 464, 465, 574, 789, 804, 1306, 1543, 1573, 1588, 1823, 1982, 1984, 1986, also, House Joint Resolution(s) No(s). 197, 198, 199, 200, 201 and 202.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 9, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 86 and 101; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 2:00 p.m., Wednesday, April 11, 2001.